

111TH CONGRESS  
1ST SESSION

# H. R. 3717

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2009

Mr. TIAHRT introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kelsey Smith Act”.

1 **SEC. 2. REQUIRED DISCLOSURE OF CALL LOCATION INFOR-**  
2 **MATION.**

3 Title II of the Communications Act of 1934 (47  
4 U.S.C. 201) is amended by inserting after section 222 the  
5 following new section:

6 **“SEC. 222A. REQUIRED DISCLOSURE OF CALL LOCATION IN-**  
7 **FORMATION.**

8 “(a) IN GENERAL.—Notwithstanding section 222, at  
9 the request of a law enforcement agency, a telecommuni-  
10 cations carrier shall provide call location information con-  
11 cerning the user of a commercial mobile service (as such  
12 term is defined in section 332(d)) or the telecommuni-  
13 cation device of the user of an IP-enabled voice service  
14 (as such term is defined in section 7 of the Wireless Com-  
15 munications and Public Safety Act of 1999 (47 U.S.C.  
16 615b)) to a public safety answering point, emergency med-  
17 ical service provider or emergency dispatch provider, pub-  
18 lic safety, fire service, or law enforcement official, or hos-  
19 pital emergency or trauma care facility, in order to re-  
20 spond to the user’s call for emergency services or to re-  
21 spond to an emergency situation that involves the risk of  
22 death or serious physical harm.

23 “(b) HOLD HARMLESS.—No cause of action shall lie  
24 in any court against any provider of a commercial mobile  
25 service or an IP-enabled voice service, its officers, employ-  
26 ees, or agents for providing call location information under

1 subsection (a) while acting in good faith and in accordance  
2 with this section and any regulations promulgated pursu-  
3 ant to this section.

4 “(c) DEFINITIONS.—For the purpose of this section,  
5 the terms ‘customer proprietary network information’,  
6 ‘public safety answering point’, and ‘emergency services’  
7 have the meanings for such terms as defined in section  
8 222.”.

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